IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 367 of 2006 (S/B)

1. Smt. Meenu Meenakshi Kushwaha,
W/o Shri Om Prakash.

2. Prakash s/o Shri Roshan Lal Maurya,
Both residents of near Chhatri Chauraha,
Maurya Brothers Medical Stores,
Station Road, Pilibhit,
District Pilibhit (Uttar Pradesh) ……. Petitioners

Versus

1. State of Uttaranchal through Secretary
Chikitsa, Shiksha Evam Ayush Vibhag,
Civil Secrtariat, Uttaranchal, Dehradun.
2. Director,
Ayurvedic & Unani Services,
Uttaranchal, Shastri Nagar,
Dehradun …….. Respondents

…….

Sri S.S. Chauhan, Advocate for the petitioners.
Sri N.B. Tiwari, Addle. Advocate General and Sri N. C. Gupta, Standing Counsel for the respondents.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C. J.
Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA, C. J. (Oral)

Sri S.S. Chauhan, Advocate for the petitioners.

Sri N.B. Tiwari, Addl. Advocate General and N. C. Gupta, Standing Counsel for the respondents.

They are heard.

2. The learned counsel for the respondents, placing reliance on the dicta of the Apex Court in the cases of Om Prakash Shukla Vs. Akhilesh Kumar Shukla and others reported in A.I.R. 1986 (SC) 1043; Madan Lal and others Vs. State of J.K. and others reported in (1995) 3 S.C.C. 486; Chandra Prakash Tiwari others Vs. Shakuntala Shukla and others reported in A.I.R. 2002 (SC) 2322; and K.H. Siraz Vs. High Court of

Kerala & others reported in 2006 S.C.C. (L&S) 1345, raised a preliminary objection about the maintainability of the writ petition.

3. The petitioners have filed this writ petition for the following reliefs:

> " i. Issue a writ, order or direction in the nature of Certiorari, calling for the records and quashing the entire selection process in pursuance of advertisement dt. 19.9.2006 (Annexure No. 6 to this writ petition), issued by Director, Ayurvedic and Unani Services, Uttaranchal, Dehradun – respondent no. 2.
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> ii. Pass any other and further orders, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.
>
> iii. Award the cost of the writ petition to petitioners."

4. As the petitioners have admittedly participated in the selection process and have also been called for interview, in view of the above mentioned dicta of the Apex Court, the present petition at the behest of the petitioners challenging the selection process is not maintainable.

5. The writ petition, therefore, is liable to be dismissed and is hereby dismissed summarily.

6. Consequently, CLMA No. 15008 of 2006 also stands dismissed.

(J.C.S Rawat, J.) **(Rajeev Gupta, C. J.)**

16.12.2006 16.12.2006

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